

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2012-157456-001 DT

08/04/2015

COMMISSIONER CHARLES DONOFRIO III

CLERK OF THE COURT

L. Ceja

Deputy

STATE OF ARIZONA

FRANKIE JONES

v.

ROGER SCOTT RUTENBER (001)

DOB: 05/20/1965

JEFFREY JOSEPH TELLEZ

APO-SENTENCINGS-CCC

APPEALS-CCC

DISPOSITION CLERK-CSC

RFR

DISPOSITION HEARING - PROBATION REINSTATED WITH REVOCATION
ARRAIGNMENT/VIOLATION HEARING

1:35 p.m.

Courtroom 4 CCB LL

State's Attorney: Korin Blair

Defendant's Attorney: Jeff Tellez

Defendant: Present

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Defendant was present for the group advisement given on the record at 1:23 p.m. this date in CCB LL Courtroom 4.

The Defendant admits violation of probation for condition 11.

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The admission is accepted and entered of record.

The Defendant is advised of the right to disposition hearing within the statutory time limits and the right to a written probation violation report.

Disposition proceeds at this time.

The Court finds Defendant has violated the conditions of probation previously imposed.

IT IS ORDERED suspending imposition of sentence and, under the supervision of the Adult Probation Department (APD), continuing the defendant on probation beginning 08/04/2015:

Count 1: With a revised expiration date of 12/18/2015.

Length of Probation: 36 months

IT IS ORDERED that probation in this matter shall run concurrent with probation in CR2011-162715-001.

Conditions of probation include the following:

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8: Request and obtain written permission of the APD prior to leaving the State.

Condition 15: Restitution, Fines and Fees:

FINE: Count 1 - Total amount of \$1,372.50, which includes surcharges of 83%, payable \$25.00 per month.

PROBATION ASSESSMENT: Count 1 - \$20.00.

Count 1: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

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WARRANT CHARGE: Count 1 - \$90.00.

PENALTY ASSESSMENT - A.R.S. § 12-116.04: Count 1 - \$13.00.

Investigative Agency:

Phoenix Police Department

Count 1: Technical Registration Fund in the amount of \$15.00.

Payment to commence on 10/01/2015 and is due on the same day of each month thereafter until paid in full.

All amounts payable through the Clerk of the Superior Court.

Condition 16: Not consume or possess any substances containing alcohol.

Condition 17: Count 1: Complete a total of 24 hours of community restitution. Complete a set number of hours per month as directed in writing by APD. Complete hours at a site approved by the APD.

IT IS FURTHER ORDERED Defendant be given credit for any monies paid to date.

IT IS FURTHER ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is reminded that failure to maintain contact with the Probation Department as required by your Probation Officer may result in the following orders being issued against you:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS ORDERED granting the Motion To Dismiss the allegations of violation of the remaining term(s) as set forth in the Petition To Revoke.

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IT IS FURTHER ORDERED Defendant be released from custody for this case only.

The written terms and conditions of probation are handed to the Defendant for explanation and signature. The Defendant is advised of the consequences of failure to abide the terms of probation.

The probation violation report is filed under CR2011-162715-001.

1:47 p.m. Matter concludes.

IT IS ORDERED that defense counsel shall preserve defendant's file for post-conviction relief purposes. If defense counsel receives notice that defendant is seeking post-conviction relief, counsel shall prepare the file for delivery to PCR counsel and shall make timely arrangements for the exchange thereof when notified. Further, upon exchange of the file, defense counsel shall file with the court a Notice of Compliance that shall, at a minimum, include date of compliance, recipient of the file, and an itemization of contents of the file. A copy of the Notice shall be provided to PCR counsel, the State and the PCR Unit.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ COMMISSIONER CHARLES DONOFRIO III
JUDICIAL OFFICER OF THE SUPERIOR COURT

(right index fingerprint)